I read the recent February 25, 2010 Declaratory Ruling on the Structure and Practices of the Video Relay Service Program (DA 10-314, CG Docket No. 10-51, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-314A1.pdf) which **for the first time** provides clear guidance on reporting employee call minutes as a business expense. The Ruling also stated this practice of counting and reporting employee-related calls should be done so that "the cost associated with providing telephone service for use by employees is properly reflected in the VRS compensation rate." (February 25, 2010 Declaratory Ruling, paragraph 4).

NECAs recent Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, filed April 30, 2010 (http://fjallfoss.fcc.gov/ecfs/document/view?id=7020443086), does not provide any assuring detail that the disallowed minutes from the February 25, 2010 Declaratory Ruling are actually included into historical costs for the VRS providers. Therefore the cost associated with providing telephone service for use by employees is **NOT** properly reflected in the VRS compensation rate.

I have been able to personally contact 6 (six) VRS providers (besides Sorenson, which has historically handled at least 80% of VRS call volume) and asked the following three questions:
(1) Can your VRS company maintain the level of service at its current call volume under the proposed NECA rates?
(2) Can your VRS company handle a sudden call volume increase of between 800-3000% and still meet the average speed of answer (ASA) requirements in order to receive reimbursement from NECA?
(3) Can your VRS company survive a dramatic call volume increase to the proposed Tier III rate of $3.8963 per minute?

The results of my own personal fact-finding?

Question 1: All 6 providers stated that the proposed rates would prompt immediate business changes. Two providers admitted that among proposals to trim costs, the hiring of only uncertified interpreters (at a lower pay rate) was being given serious consideration--one of the providers stated that this was given high priority! One representative from a smaller-volume VRS company stated that the proposed rates have triggered executive-level discussions on the feasibility of even continuing to provide VRS to customers.

Question 2: All 6 providers were optimistically hopeful they could **ramp up** to carry the call volume if Sorenson did cease to provide VRS, although 2 providers admitted that there would definitely need to be a period of time when petitions for waivers of the ASA requirements would have to be made. Whether or not the FCC would grant or deny any such petitions to waive the ASA requirements would either 'make or break' these two VRS providers.

Question 3: Only 5 providers would reply to this question--one provider simply stated that filings with the FCC will be forthcoming to address this critical issue. The other 4 providers all stated the proposed rate of $3.8963 per minute would not be adequate to reimburse actual costs. Two providers stated that they would most likely face bankruptcy at that point. Another representative stated "off the record" that the new proposed rates would have a "falling dominos effect" on VRS providers, forcing them one-by-one to make huge investments in infrastructure to handle any increased call volume, especially in light of the potential demise of any other VRS competitors, only to be forced by the same call volume into the "black hole of Tier III", from which it would be impossible to continue doing business.

If I (as a private citizen) can ask these amateurish questions and get these kinds of responses, imagine what more in-depth questions the experts within the Commission could formulate to address the providers themselves. The answers to such a high-level inquiry would be a better gauge as to the validity of the proposed rates, as well as provide the basis for a realistic rate structure.

Interestingly, none of the other proposed relay rates (Interstate TRS, Speech-to-Speech Services (STS), Captioned Telephone Services (CTS), Internet Protocol (IP) CTS, IP Relay) show any tier levels of reimbursement, nor does NECA propose any structured decreased rates for large call volumes, even though there are scales of efficiency experienced in all TRS settings.

Clearly, the proposed rates from NECA will NEGATIVELY AFFECT EVERY VRS PROVIDER, no matter what their call volume will be. Any VRS provider already at the Tier III level, or any provider who may move to the Tier III level in the future--would immediately not be able to afford to stay in the VRS business. Adopting these proposed rates will be devastating to ***ALL VRS CONSUMERS*** -- BOTH Deaf and hearing. How tragic it would be to helplessly watch while VRS companies providing efficient communication with Deaf friends, family, and business associates slowly increase in call volume only to succumb to the dreaded Tier III and soon after disappear completely from the VRS scene!